

EXHIBIT 3

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3 ROBERT D. THORNE, JR.; BARBARA
4 J. DENYSSCHEN; DAVE SHEER
5 GUNS; DIPLOPOINT; SOUTHERN
6 ARMS; and G AND D GROUP,

7 Plaintiffs,
8 vs.

9 U.S. DEPARTMENT OF STATE;
10 MICHAEL R. POMPEO, in his official
11 capacity as Secretary of U.S. Department of
12 State; DIRECTORATE OF DEFENSE
13 TRADE CONTROLS, Bureau of Political
14 Military Affairs, U.S. Department of State;
15 MIKE MILLER, in his official capacity as
16 Acting Deputy Assistant Secretary for
17 Defense Trade Controls, Bureau of Political
18 Military Affairs, U.S. Department of State,

19 Defendants.

20 Case No. 2:19-cv-01982-JCM-EJY

21 **AFFIDAVIT OF TONY JASON
22 HARMSE**

23 PROVINCE OF GAUTENG)
24)
25 CITY OF JOHANNESBURG)

26 I, Tony Jason Harmse, declare as follows:

27 1. I am an adult male, working as the responsible person for Southern Arms,
28 located at 70 5th Street, Wynberg, South Africa.

1. On May 2, 2018, I received an email from Haley C. Gindhart of the United
2. States Department of State requesting to conduct a pre-license end-use inquiry on a
3. State Department license. In her email, Gindhart requested a May 14, 2018 visit and
4. she attached information on the Blue Lantern program, which listed certain
5. documentation requested upon her arrival. I immediately responded to Gindhart
6. and confirmed the May 14, 2018 visit.

3. On May 3, 2018, Gindhart sent another email confirming Southern Arms' physical address and the date and time scheduled for the visit. I immediately responded, confirming our address and the date and time scheduled for our meeting. Later that day, Gindhart sent another email requesting to move the visit from May 14 to May 15. I immediately responded, confirming the new date.

4. On May 14, 2018, I sent Gindhart an email confirming the date and time of our appointment. Gindhart responded that she had to postpone the visit once again and that she would reach out to me to reschedule.

5. From May 14 to July 27, 2018, I attempted to contact Gindhart by phone and email on multiple occasions, but she never responded.

6. Copies of emails between Gindhart and me are attached to this declaration.

7. To date, Southern Arms has not received any further communication from the United States Department about scheduling a Blue Lantern visit.

FURTHER AFFIANT SAYETH NOT.

DATED this 11th day of December 2019.



Tony Jason Harmse

TJ Harmse

From: Gindhart, Haley C (Pretoria) <GindhartHC@state.gov>
Sent: Monday, 14 May 2018 09:08
To: TJ Harmse
Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Hi TJ,

I apologize for doing this again, but I'm going to have to postpone the meeting. I will reach out to you again soon when I'm able to reschedule.

Thanks for your patience.

Kind regards,
Haley

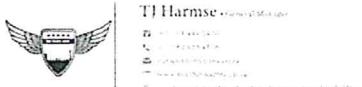
This email is UNCLASSIFIED.

From: TJ Harmse [mailto:tj@southernarms.co.za]
Sent: Monday, May 14, 2018 6:38 AM
To: Gindhart, Haley C (Pretoria)
Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Good morning Mrs Gindhart

I would just like to confirm our meeting tomorrow at 11am at Southern Arms

Thank you



----- Original message -----

From: "Gindhart, Haley C (Pretoria)" <GindhartHC@state.gov>
Date: 2018/05/03 15:16 (GMT+02:00)
To: TJ Harmse <tj@southernarms.co.za>
Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Perfect. I really appreciate your flexibility. I will see you at 11:00 on Tuesday, May 15th.

This email is UNCLASSIFIED.

From: TJ Harmse [mailto:tj@southernarms.co.za]
Sent: Thursday, May 03, 2018 2:01 PM
To: Gindhart, Haley C (Pretoria)
Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Hi Haley

No problem

Please do not print this email unless it is necessary. This unprinted email helps the environment.

The content of this email is confidential and is intended for the recipient specified in message header.

It is strictly forbidden to share any part of this message with a third party, without a written permission of the sender.

If you received this message by mistake, please delete it and follow with it a message to the sender to ensure such a mistake does not occur in the future.

From: Gindhart, Haley C (Pretoria) [mailto:GindhartHC@state.gov]
Sent: Thursday, May 3, 2018 12:48 PM
To: TJ Harmse
Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Hi TJ,

Is there any way you can do Tuesday, May 15th at 11:00 instead of Monday? I apologize for the change – but want to make sure I'm not rushed with other meetings at the Embassy.

Thank you,

Haley

This email is UNCLASSIFIED.

From: TJ Harmse [mailto:tj@southernarms.co.za]
Sent: Thursday, May 03, 2018 8:46 AM
To: Gindhart, Haley C (Pretoria)
Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Hi Haley

Yes Ma'am that Is correct and will see you then

Have a great day

----- Original message -----

From: "Gindhart, Haley C (Pretoria)" <GindhartHC@state.gov>

Date: 2018/05/03 08:31 (GMT+02:00)

To: TJ Harmse <tj@southernarms.co.za>

Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Hi TJ,

Thanks for your quick reply. I have Southern Arms' address as 70 5th St. Wynburg, Johannesburg – is that still correct? Would 11:00 work on May 14th?

Thank you,

Haley

This email is UNCLASSIFIED.

From: TJ Harmse [mailto:tj@southernarms.co.za]
Sent: Wednesday, May 02, 2018 6:18 PM
To: Gindhart, Haley C (Pretoria)
Subject: Re: Blue Lantern Pre-License Checks for Southern Arms

Good Day Mrs. Gindhart

Thank you so kindly for your email.

You are more then welcome to visit our facilities on the 14th of May. I'll be in the office throughout the day.

We will accommodate everything you need and will have everything ready for you.

I look forward to seeing you

----- Original message -----

From: "Gindhart, Haley C (Pretoria)" <GindhartHC@state.gov>

Date: 2018/05/02 17:02 (GMT+02:00)

To: tj@southernarms.co.za

Subject: Blue Lantern Pre-License Checks for Southern Arms

Dear Mr. Harmes,

I am writing on behalf of the U.S. Embassy in Pretoria to schedule a date to conduct a pre-license end-use inquiry on application 050638222.

I'm hoping you're available for 60-90 minutes on the afternoon of **Monday, May 14th**. If not, please suggest a few alternative dates and times and I'll do my best to accommodate.

I have attached a letter that explains the Blue Lantern program and what all is entailed in our visit, and you are welcome to reach out to me by phone or email if you have any questions or would like more information.

I look forward to meeting with you.

Sincerely,

Haley Gindhart

Haley C. Gindhart

Economic Officer

Embassy of the United States of America

Pretoria, South Africa

Cell: + 27 (0)79 111 7175

Office: +27 (0)12 431 4395

gindharthc@state.gov

This email is UNCLASSIFIED.

Company Visit Preparation

The U.S. Department of State regulates the export, temporary import, and brokering of U.S. defense articles and defense services pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations (ITAR), the federal regulations which implement the law. The Department is also responsible for civil compliance with the law and regulations.

The Blue Lantern Program is an end-use monitoring program for U.S. defense articles and defense services identified on the United States Munitions List (USML) and exported via commercial channels under licenses issued by the United States Department of State. The purpose of the program is to assure the security of authorized transfers of sensitive military hardware and technology to U.S. friends and allies by monitoring and confirming the end-user and end-use; deterring and preventing diversions of U.S. arms exports; disrupting illicit supply networks; and assisting State Department officials in making informed decisions when reviewing license requests.

We request a meeting with individuals in your company who are involved with the purchase, handling, and control of U.S. defense articles. Company representatives should be prepared to discuss and provide documentation on the following topics:

1. Organizational/Legal Structure
2. Business Activities
 - a. The types of business activities in which the company is involved. For example, maintenance, repair, manufacturing, integration or other services such as marketing.
 - b. Customers - government or commercial, military and civilian, domestic and foreign. Review and vetting of potential customers to determine their general bona fides or legitimacy.
 - c. ITAR-related activities: U.S. defense articles or technology the company receives, volume (quantity or dollar value), other defense activities (e.g., brokering).
 - d. Employment policy and identification of citizenship or nationality. Employment of individuals from another country or with dual citizenship or nationality and their involvement with U.S. defense articles and technology.

3. Knowledge of the ITAR

- a. ITAR training.
- b. Designated ITAR officials or trained individuals.
- c. Resources dedicated toward ITAR compliance.
- d. Designated ITAR compliance official. Individual responsible for signing or issuing purchase documents for ITAR defense articles, end-use statements, DSP-83 Non-transfer and Use Certificates, other Department of State license and agreement documents.
- e. Inventory tracking and control of U.S. defense articles, labeling and treatment to ensure compliance with U.S. law on use and the prevention of unauthorized use, retransfer, or re-export.
- f. Physical security measures for U.S. defense articles and technology.
- g. Information technology (IT) systems on which ITAR-controlled technical data is stored and protection thereof.

Thank you for your assistance and we look forward to our visit. Please feel free to email me if you have questions.

Haley C. Gindhart

Economic Officer
Embassy of the United States of America
Pretoria, South Africa
gindharthc@state.gov

TJ Harmse

From: TJ Harmse <tj@southernarms.co.za>
Sent: Monday, 14 May 2018 09:18
To: Gindhart, Haley C (Pretoria)
Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Hi Haley

Ok no problem

I tried to call you regarding our export permits overseas, we have been waiting for 5 months and wanted to know the situation as we haven't waited this long and was relying on this meeting



TJ Harmse • General Manager
+27 11 444 5479
+27 82 628 4896
tj@southernarms.co.za
www.southernarms.co.za
1010 Street, Winterveld, 2019 Gauteng, South Africa

----- Original message -----

From: "Gindhart, Haley C (Pretoria)" <GindhartHC@state.gov>
Date: 2018/05/14 09:08 (GMT+02:00)
To: TJ Harmse <tj@southernarms.co.za>
Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Hi TJ,

I apologize for doing this again, but I'm going to have to postpone the meeting. I will reach out to you again soon when I'm able to reschedule.

Thanks for your patience.

Kind regards,

Haley

TJ Harmse

From: TJ Harmse <tj@southernarms.co.za>
Sent: Friday, 27 July 2018 16:03
To: Gindhart, Haley C (Pretoria)
Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Hi Haley

I tried to call you now . I haven't heard back from you and we are still awaiting for our permits

We really need a answer

Thank you



TJ Harmse - General Manager
+27 11 344 5479
+27 82 625 4859
tj@southernarms.co.za
www.southernarms.co.za
7044 Street, Wimberg, Nasrec, 1690, Gauteng, South Africa

----- Original message -----

From: "Gindhart, Haley C (Pretoria)" <GindhartHC@state.gov>
Date: 2018/05/14 09:08 (GMT+02:00)
To: TJ Harmse <tj@southernarms.co.za>
Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Hi TJ,

I apologize for doing this again, but I'm going to have to postpone the meeting. I will reach out to you again soon when I'm able to reschedule.

Thanks for your patience.

Kind regards,

Haley

TJ Harmse

From: TJ Harmse <tj@southernarms.co.za>
Sent: Thursday, 24 May 2018 19:21
To: Gindhart, Haley C (Pretoria)
Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Hi Haley

I have tried to get hold of you numerous times regarding a new meeting and regarding the issue of export permits

We need your assistance



TJ Harmse • General Manager
+27 11 444 5470
+27 82 636 4830
tj@southernarms.co.za
www.southernarms.co.za
70-72 Steenberg Street, Newlands, 2198, Gauteng, South Africa

----- Original message -----

From: "Gindhart, Haley C (Pretoria)" <GindhartHC@state.gov>
Date: 2018/05/14 09:08 (GMT+02:00)
To: TJ Harmse <tj@southernarms.co.za>
Subject: RE: Blue Lantern Pre-License Checks for Southern Arms

Hi TJ,

I apologize for doing this again, but I'm going to have to postpone the meeting. I will reach out to you again soon when I'm able to reschedule.

Thanks for your patience.

Kind regards,

Haley